

April 24, 2024

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
By: CR Deputy

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHAN MARTINEZ,

Defendant.

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CRIMINAL NO. **DR:24-CR-00953-AM**

INDICTMENT

COUNT ONE: 18 U.S.C. § 554, Smuggling
Goods from the United States

THE GRAND JURY CHARGES:

COUNT ONE
(18 U.S.C. § 554)

INTRODUCTION

At all times relevant to this Indictment:

1. The Commerce Control List (“CCL”), located at Title 15, Code of Federal Regulations, Section 774, details commodities, software, and technology subject to control by the United States Department of Commerce, Bureau of Industry and Security pursuant to the Export Control Reform Act, Title 50, United States Code, Chapter 58.
2. The CCL is part of the Export Administration Regulations (“EAR”), located at Title 15, Code of Federal Regulations, Section 730 *et seq.*
3. Firearms are designated as controlled items in Section 774, Appendix Supplement Number 1 of the CCL.
4. Ammunition is designated as controlled item in Section 774, Appendix Supplement Number 1 of the CCL.
5. According to Title 15, Code of Federal Regulations, Section 736.2, a person may not export an item subject to the EAR to another country if exporting that item to that country requires a license.
6. Exportation of firearms and ammunition to Mexico requires a license.

7. Defendant JOHAN MARTINEZ did not have a license or any authority to export firearms or ammunition out of the United States to Mexico.

That on or about March 25, 2024, in the Western District of Texas, Defendant,

JOHAN MARTINEZ,

knowingly and unlawfully concealed, bought, or facilitated the transportation and concealment of any merchandise, article and object, prior to exportation, knowing the same to be intended for exportation from the United States, contrary to any law or regulation of the United States, to-wit: Smith & Wesson 9mm handgun, model SW9VE, (S/N: RBY5761), and 9mm ammunition which are controlled items as defined in the CCL, and the Defendant had not received a license or authorization for such export, in violation of Title 50, United States Code, Section 4819 and Title 15, Code of Federal Regulations, Sections 774 and 736.2(b)(1), all in violation of Title 18, United States Code, Section 554.

NOTICE OF UNITED STATES OF AMERICA'S DEMAND FOR FORFEITURE
[See FED. R. CRIM. P. 32.2]

I.

Smuggling Violation and Forfeiture Statutes

**[Title 18 U.S.C. § 554,
subject to forfeiture pursuant to Title 19 U.S.C. § 1595a(d),
made applicable to criminal forfeiture by Title 28 U.S.C. § 2461(c).]**

As a result of the foregoing criminal violation set forth in Count One, the United States of America gives notice to the Defendant_ of its intent to seek the forfeiture of the property, including the items listed below, upon conviction and as a part of sentence pursuant to FED. R. CRIM. P. 32.2 and Title 19 U.S.C. § 1595a(d), made applicable to criminal forfeiture pursuant to Title 28 U.S.C. § 2461(c), which states the following:

**Title 19 U.S.C. § 1595a. Aiding unlawful importation
(d) Merchandise exported contrary to law**

Merchandise exported or sent from the United States or attempted to be exported or sent from the United States contrary to law, or the proceeds or value thereof, and

property used to facilitate the exporting or sending of such merchandise, the attempted exporting or sending of such merchandise, or the receipt, purchase, transportation, concealment, or sale of such merchandise prior to exportation shall be seized and forfeited to the United States.

This Notice of Demand for Forfeiture includes but is not limited to the following.

1. **Smith & Wesson SW9VE 9mm handgun, s/n RBY5761;**
2. **9mm ammunition; and**
3. **Any other related ammunition and firearm accessories.**

A TRUE BILL.

FOREPERSON

JAIME ESPARZA

United States Attorney

By: _____

ZACHARY D. BIRD

Assistant United States Attorney